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In re Application of :  
Jonathan D. Smith :  
Application No. 10/092,796 :  
Filed: March 7, 2002 :  
Attorney Docket No. RBC-101US :

**OFFICE OF PETITIONS**  
ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed June 6, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the final Office action mailed November 4, 2004, which set a shortened statutory period for reply of three (3) months. A one-month extension of time under the provisions of 37 CFR 1.136(a) was obtained. An Advisory action was mailed March 29, 2004 indicating that the reply filed on March 7, 2005 (Certificate of Mailing dated March 3, 2005), failed to place the application in condition for allowance. Accordingly, the application became abandoned at midnight on March 4, 2005.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment and a Request for Continued Examination (RCE); (2) the petition fee of \$750; and (3) the required statement of unintentional delay have been received. Accordingly, the petition filed June 6, 2005 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3229.

The application matter is being forwarded to Technology Center 3600, Art Unit 3644 for processing the Request for Continued Examination under 37 CFR 1.114 filed with the instant petition.

*Retta Williams*

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Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy